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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Oleg Boyko, et al.,

10 Plaintiffs,

11 v.

12 Alexey Kondratiev, et al.,

13 Defendants.
14

No. CV-23-01186-PHX-DLR

ORDER

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16 Pending before the Court is Defendant Alexey Kondratiev’s motion to designate the
17 preliminary injunction hearing (the “Hearing”) as an evidentiary hearing. (Doc. 30.) The
18 Court denies the motion.

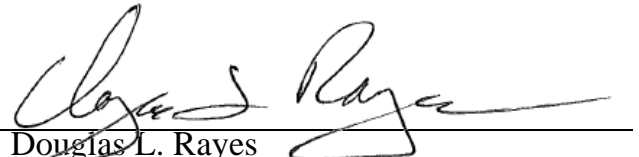
19 The Court ordered the parties to “jointly notify the Court by **August 17, 2023**
20 whether the hearing will be oral argument or an evidentiary hearing.” (Doc. 22 at 1
21 (emphasis in original).) No joint notice was filed. Instead, the day of the deadline came,
22 and the parties disagreed on the nature of the Hearing. Plaintiff filed a notice before the
23 deadline, asking the Court to cabin the hearing to oral argument. Defendant filed his motion
24 a day after the deadline.

25 The Court may “refus[e] to hear oral testimony at a preliminary injunction hearing
26 . . . if the parties have a full opportunity to submit written testimony and to argue the
27 matter.” *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1326 (9th Cir. 1994). The parties had the
28 opportunity to—and indeed did—brief the motion for temporary restraining order and

1 submit ample written testimony. (Docs. 2, 2-2, 2-3, 2-4, 12, 23, 23-1, 25, 25-1.) Notably,
2 Defendant submitted written testimony contending he does not own the domain website
3 subject to the motion for temporary restraining order. (Doc. 30-1 at 1-2.) Taken at his word,
4 Defendant will not suffer prejudice, as the remedy under the proposed temporary
5 restraining order is to freeze the domain website, prevent its transfer, and eliminate public
6 access to it. Accordingly,

7 **IT IS ORDERED** that Defendant's motion to designate the preliminary injunction
8 hearing as an evidentiary hearing (Doc. 30) is **DENIED**. The preliminary injunction
9 hearing scheduled for August 25, 2023, at 9:30 AM (Arizona time) will be held
10 telephonically and consist of oral argument based on the evidence submitted with the
11 parties' briefs. Call-in instructions will be provided to the parties via email prior to the
12 hearing.

13 Dated this 18th day of August, 2023.

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17 Douglas L. Rayes
18 United States District Judge
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